

The following are questions received in response to R-OPC-21940 for an Administering Organization followed by the applicable answers:

Question: Is the proposed Consensus Committee to be accredited by ANSI as a stand alone ANSI Accredited Standards Committee (ASC), or if the Offeror is already an ANSI Accredited Standards Organization (ASO), will the proposed Consensus Committee be a committee that operates under the ASO?

Answer: In answer to the first part of this question, yes, the Consensus Committee is to be an accredited stand alone ANSI Accredited Standards Committee (Reference Public Law 106-569 Section 604(3)(H)(i) and (ii)). In answer to the second part of this question, no, the Consensus Committee is not to be a committee that operates under the ANSI Accredited Standards Organization.

Question: See P. C-1 in Section I."Background" para. 2 states "This SOW defines HUD's requirements for the Administering Organization as HUD has interpreted from the (MHI Act) emphasis added...further, on p. C-7, first hyphen, under Task 4, (starts on P. 6) states "Consult with state of interstate agencies (including legislative committees) as deemed appropriate". Question: Please identify the applicable Section(s) and Subsection(s) of P.L. 106-569 that requires or permits the Consensus Committee to "consult with state or interstate agencies (including legislative committees) as deemed appropriate". Please also define "interstate agencies".

Answer: The RFP provides that "[t]he AO shall assure that the consensus committee, in recommending proposed procedural enforcement regulations, standards, and interpretive bulletins shall: ...-Consult with State or interstate agencies (including legislative committees) as deemed appropriate." This language comes directly from 42 U.S.C. Section 5403, as amended by Section 604 of the Manufactured Housing Improvements Act of 2000. With the addition of the amending language provided by Section 604 of the Manufactured Housing Improvements Act of 2000, 42 USC Section 5403(e) now reads: "CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.--The consensus committee, in recommending standards, regulations, and interpretations...shall...(2) consult with such State or interstate agencies (including legislative committees) as...appropriate."

Question: The definition of the proposed Administering Organization (AO) in Public Law 106-569 states that the AO must have "...specific experience in developing model residential building codes...." The announcement of the solicitation on the HUD web site noted that the definition of the proposed AO is a "....critical aspect of this procurement." Will Offerors who have never produced a residential model building code be considered for the position of the AO? If so, what other criteria or past experience of the Offeror would allow them to satisfy the prerequisite of being a developer of residential model building codes?

Answer: Proposals consist of three volumes, Volume I, "Organizational Definition;" Volume II, "Technical and Management" Proposal; and Volume III, "Business" Proposal. Page L-10 discusses Volume I, in which the offeror is to provide certification that "...within its normal business capacity and prior to submission of its proposal, it meets the definition of an Administering Organization as defined in the Statement of Work...The certification shall be signed by an authorized official of the offeror and dated." In its certification, the offeror is to "discuss in writing "specific experience" of the firm that demonstrates that the firm meets the definition of an administering organization. HUD interprets specific experience as experience of 3 years or more. This certification and demonstration will consist of no more than 3 pages and shall be on company letterhead." Based upon the definition of administering organization, this 3 years of specific experience is to be in "developing model residential building codes and standards involving all disciplines regarding construction and safety...". As stated at Section M-1, the evaluation process consists of 2 steps. Under Step 1, "Prior to review of any Technical and Management proposals, the Volume I certifications from each offeror will be reviewed. Each proposal will be determined to either meet or not meet the definition of an administering organization. Only those proposals that demonstrate that the firm meets the definition of an Administering Organization, as stated in the Statement of Work , and certified as such, will be evaluated for Volumes II and III (Step 2.) Those proposals that, per the Government's determination, do not meet the definition of an Administering Organization, shall be rejected with no further consideration." Under Step 2, for each proposal that has met the definition of an Administering Organization, Volumes II and III of the proposal will be evaluated, in accordance with the evaluation factors for award stated in the RFP. See Sections L and M of the RFP for a complete discussion of how the evaluation factors will be evaluated pursuant to the RFP.

Question: Where can I obtain a "subcontracting plan outline as shown on page H-1?

Answer: Please see <http://www.arnet.gov/far>. An insert from the FAR concerning subcontracting format is provided:

19.704 Subcontracting plan requirements.

(a) Each subcontracting plan required under 19.702(a)(1) and (2) must include--

- (1) Separate percentage goals for using small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns as subcontractors. Service-disabled veteran-owned small business concerns meet the definition of veteran-owned small business concerns, and offerors may include them within the subcontracting plan goal for veteran-owned small business concerns. A separate goal for service-disabled veteran-owned small business concerns is not required;
- (2) A statement of the total dollars planned to be subcontracted and a statement of the total dollars planned to be subcontracted to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business

concerns;

(3) A description of the principal types of supplies and services to be subcontracted and an identification of types planned for subcontracting to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns;

(4) A description of the method used to develop the subcontracting goals;

(5) A description of the method used to identify potential sources for solicitation purposes;

(6) A statement as to whether or not the offeror included indirect costs in establishing subcontracting goals, and a description of the method used to determine the proportionate share of indirect costs to be incurred with small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns;

(7) The name of an individual employed by the offeror who will administer the offeror's subcontracting program, and a description of the duties of the individual;

(8) A description of the efforts the offeror will make to ensure that small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have an equitable opportunity to compete for subcontracts;

(9) Assurances that the offeror will include the clause at 52.219-8, Utilization of Small Business Concerns (see 19.708(a)), in all subcontracts that offer further subcontracting opportunities, and that the offeror will require all subcontractors (except small business concerns) that receive subcontracts in excess of \$500,000 (\$1,000,000 for construction) to adopt a plan that complies with the requirements of the clause at 52.219-9, Small Business Subcontracting Plan (see 19.708(b));

(10) Assurances that the offeror will--

(i) Cooperate in any studies or surveys as may be required;

(ii) Submit periodic reports so that the Government can determine the extent of compliance by the offeror with the subcontracting plan;

(iii) Submit Standard Form (SF) 294, Subcontracting Report for Individual Contracts, and SF 295, Summary Subcontract Report, following the instructions on the forms or as provided in agency regulations; and

(iv) Ensure that its subcontractors agree to submit SF 294 and SF 295; and

(11) A description of the types of records that will be maintained concerning procedures adopted to comply with the requirements and goals in the plan, including establishing source lists; and a description of the offeror's efforts to locate small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns and to award subcontracts to them.

(b) Contractors may establish, on a plant or division-wide basis, a master plan (see 19.701) that contains all the elements required by the clause at 52.219-9, Small Business Subcontracting Plan, except goals. Master plans shall be effective for a 3-year period after approval by the contracting officer; however, it is incumbent upon contractors to maintain and update master plans. Changes required to update master plans are not effective until approved by the contracting officer. A master plan, when incorporated in an individual plan, shall apply to that contract throughout the life of the contract.

(c) For multiyear contracts or contracts containing options, the cumulative value of the basic contract and all options is considered in determining whether a subcontracting plan is necessary (see 19.705-2(a)). If a plan is necessary and the offeror is submitting an individual contract plan, the plan shall contain all the elements required by paragraph (a) of this section and shall contain separate statements and goals for the basic contract and for each option.

(d) A commercial plan (as defined in 19.701) is the preferred type of subcontracting plan for contractors furnishing commercial items. The contractor shall--

(1) Submit the commercial plan to either the first contracting officer awarding a contract subject to the plan during the contractor's fiscal year, or, if the contractor has ongoing contracts with commercial plans, to the contracting officer responsible for the contract with the latest completion date. The contracting officer shall negotiate the commercial plan for the Government. The approved commercial plan shall remain in effect during the contractor's fiscal year for all Government contracts in effect during that period; and

(2) Submit a new commercial plan, 30 working days before the end of the fiscal year, to the contracting officer responsible for the uncompleted Government contract with the latest completion date. The contractor must provide to each contracting officer responsible for an ongoing contract subject to the plan, the identity of the contracting officer that will be negotiating the new plan. When the new commercial plan is approved, the contractor shall provide a copy of the approved plan to each contracting officer responsible for an ongoing contract that is subject to the plan.

Question: Are we correct in interpreting the "anticipated Travel" requirement for the Consensus Committee (p. C-7 & 8) as 18 trips to the Washington, DC area for each of the Consensus Committee members (up to a maximum of 21 members) or a maximum of 378 individual trips (21 X18=378) for Option Periods 1, 2 and 3?

Answer: Yes, the anticipated travel requirement for the Consensus Committee members is to be 18 trips for 21 consensus members for a maximum of 378 individual trips (Options 1, 2 and 3 combined).

Question: Will Consensus Committee meeting locations be limited to the Washington DC geographic area?

Answer: Projected cost proposals should be prepared with the assumption of all meetings are to be held within the Washington DC geographic area.